

Appl. No. 10/033,373
Amdt. dated December 18, 2006
Reply to Final Office Action of October 20, 2006

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REMARKS

Claims 1 to 6, 8 and 10 were pending in the application at the time of examination. Claims 1 to 6, 8 and 10 remain rejected as anticipated.

Claims 1 to 6, 8 and 10 remain rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,453,353, hereinafter referred to as Win.

Applicants continue to respectfully traverse the anticipation rejection of Claim 1. The rejection, as repeated in the final rejection, stated:

. . . The runtime module 206 connects to an access server 106 (i.e., authority) (figure 2) that can determine whether a particular user is authentic and which resources the user is authorized to access (see abstract) wherein said service provider (figure 1, protected server 104) is an entity that is different from an entity that is said authority (figure 1, access server 106) (figures 1, protected server 104, figure 1, (i.e., service provider) is separated and different from access server 106, figure 1 (i.e., authority)).

The rationale for continuing this part of the final rejection was:

The runtime module 206 connects to an access server 106 (i.e., authority) (figure 2) that can determine whether a particular user is authentic and which resources the user is authorized to access by using cookie to authenticate (see abstract).

Applicants respectfully note that in the prior response, Applicants used the detailed flow diagrams of Win to demonstrate that the interpretation based on the abstract was incorrect. In view of this, the MPEP directs;

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707.07(f) Answer All Material Traversed[R-3]

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment.

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

MPEP § 707.07(f), 8th Ed., Rev. 5, pg. 700-126 (August 2006)

This directive from the MPEP was not followed. In fact, rather than answer the substance of Applicants' remarks, the above quoted rationale for continuing the rejection simply repeated verbatim the rationale for continuing the rejection from the paper dated May 2, 2006. This was done despite the fact that the claims under consideration in the two actions were different, i.e., had been amended. The only difference in the rationale in the final rejection was Examiner argument without any citation to Win, i.e.,

Therefore, Win does teach the step of the server service provider capable of communicating directly with said authority to dynamically authenticate said enrollment results upon receives that HTTP/URL request . . .

When Applicants have pointed out that the flow charts of Win directly contradict these statements and the response to that showing is unsupported argument, the substance of Applicants remarks remain unaddressed and consequently admitted by the Office as correct in view of the above quoted requirements from the MPEP.

The continued reliance on the Abstract of Win is directed at effectively one sentence in the abstract:

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The runtime module connects to an access server that can determine whether a particular user is authentic and which resources the user is authorized to access.

There are two issues that are not resolved by this sentence: how and when is the connection made; and what is taught by Win as the access server being referred to here. The MPEP requires:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipse dixit* test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

MPEP § 2131, 8th Ed., Rev. 5, p. 2100-67 (August 2006).

The abstract alone cannot answer the questions and so the teaching of Win must be considered to determine whether Win discloses the following element "in as complete detail as is contained in the . . . claim:"

using said enrollment results to obtain a service from a service provider on said data communications network, said service provider capable of communicating directly with said authority to dynamically authenticate said enrollment results wherein said service provider is an entity that is different from an entity that is said authority.

Applicants first note that the rejection cited access server 106 as teaching exactly the authority of Claim 1 and run time module 206 on protected server 104 as teaching exactly the service provider of Claim 1. Therefore, to anticipate Claim 1

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Page 4 of 7 **Best Available Copy**

Appl. No. 10/033,373
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there cannot be just some connection as stated in the Abstract of Win, but rather Win must teach a direct connection between the runtime module 206 and the protected server 104 to dynamically authenticate the enrollment results. Win does not do this and at most teaches establishing an indirect connection to generate a new login when the authentication by runtime module 206, and not access server 106, fails.

Win taught, in both Figs. 3B and 3C of Win, that step 312 by runtime module 206 was used to "authenticate user." Win taught:

FIG. 3B is a state diagram showing processes carried out when the URL is a protected resource. As shown by state 312, Runtime Module 206 calls the Authentication Verification Service to check whether an authenticated user is making the request. An authenticated user is one who has successfully logged into the system. A user is considered authenticated if the request contains a "user cookie" that can be decrypted, and the request's IP address matches that in the cookie. If the conditions are not satisfied, then the user cannot be authenticated, and as shown in state 314, Runtime Module 206 returns a redirection to the Login URL. As shown by state 316, HTTP Server 202 returns the redirection to the Login URL to the browser 100.

Win, Col. 8, lines 23 to 35

Win expressly stated that module 206 "calls the Authentication Verification Service" to verify the authentication. Win taught that this service is part module 206 and is not on the access server,

For example, the Runtime Module functions to provide a Remote Configuration Service, an Authentication Verification Service, and an Authorization Verification Service. Each service is structured as a C/C++ web server plug-in.

Win, Col. 7, lines 38 to 42. Thus, Win expressly taught that the Authentication Verification Service used in step 312 was a

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Appl. No. 10/033,373

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function provided by Runtime Module 206 itself. Accordingly, Win teaches that the Runtime Module 206 itself performs step 312. This is the same entity and so fails to read on the above quoted limitation that recites different entities.

When the authentication fails, the runtime module 206 redirects the user with a login URL via the HTTP server. However, this is to obtain a new login and so the purpose of any connection to access server 106 is not to dynamically authenticate the existing credential as in Claim 1, but rather to generate a new login because authentication of the existing cookie failed based on the analysis by runtime module 206. This fact must be considered in interpreting the Abstract and so the purpose of the connection using the redirection Login URL was to create a new login and not to dynamically authenticate the cookie that failed the analysis by runtime module 206. Win taught such authentication by the access server was unnecessary based on the action by runtime module 206. Accordingly, Win fails to teach exactly what is recited in Claim 1.

Contrary to the statement in the rejection, as demonstrated above, Win fails to teach "said service provider capable of communicating directly with said authority to dynamically authenticate said enrollment results wherein said service provider is an entity that is different from an entity that is said authority." Since Win as quoted above taught that Runtime module 206 performed step 312 and when that authentication failed the user was redirected for a new login, Win fails to teach the invention to the same level of detail as recited in Claim 1. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claims 2, 3, 4, 5, and 8 include a limitation equivalent to that quoted above from Claim 1. Thus, the comments with respect to Claim 1 are applicable to each of Claims 2 to 5 and 8, and are incorporated herein by reference. Applicants

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request reconsideration and withdrawal of the anticipation rejection of each of Claims 2 to 5 and 8.

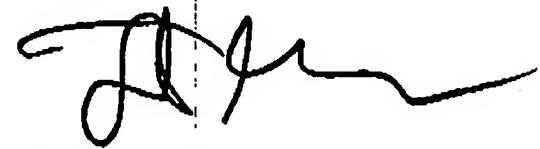
With respect to Claim 6, Applicants previously noted that "the rejection failed to cite any teaching of a resource constrained device in Win." The final rejection simply repeated the prior rejection and failed to indicate why this interpretation was wrong. The above quote from the MPEP concerning the requirement to address Applicants' prior remarks is incorporated herein by reference. The above comments with respect to Claim 1 are also applicable to Claim 6 and are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 6.

Claims 1 to 6, and 8 remain in the application. Claims 7, 9 and 10 were cancelled previously. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 1-571-273-8300, on December 18, 2006.

Respectfully submitted,


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Date of Signature
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